

AN ORDINANCE **2010-12-09-1033**

AUTHORIZING A THIRD AMENDMENT TO THE AGREEMENT FOR AUDIO/VISUAL SERVICES WITH AUDIO VISUAL SERVICES GROUP, INC. d/b/a PSAV EVENT SERVICES DIVISION BY EXTENDING THE TERM OF THE AGREEMENT FOR FOUR (4) MONTHS.

* * * * *

WHEREAS, Audio Visual Services Group, Inc. d/b/a PSAV Event Services Division (“PSAV”) was designated the preferred provider of audio/visual services at the Henry B. Gonzalez Convention Center, Lila Cockrell Theatre, and Municipal Auditorium (the “Facilities”) under a Professional Service Agreement (the “Agreement”) authorized by City Ordinance No. 101049, passed and approved on June 16, 2005; and

WHEREAS, by the terms of the Agreement, all of PSAV’s rights and obligations to operate in the Facilities would terminate on December 31, 2010; and

WHEREAS, the City and PSAV desire to amend the Agreement to provide for a four-month renewal option to provide the City with an opportunity to prepare a Request for Proposal (“RFP”) to competitively bid the services currently provided by PSAV; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The terms and conditions of a Third Amendment to the Professional Service Agreement for Audio/Visual Services at the Henry B. Gonzalez Convention Center, Lila Cockrell Theatre, and Municipal Auditorium are hereby approved. A copy of the Third Amendment in substantially final form is attached as Exhibit “A.” A copy of the Agreement will be attached and incorporated into this Ordinance replacing Exhibit “A” upon execution.

SECTION 2. The City hereby authorizes the City Manager or her designee to execute the Third Amendment as described in Section 1.

SECTION 3. Funds generated by this Ordinance will be deposited into Fund 29006000 per the table below.

Amount	Internal Order	General Ledger
\$58,500.00	242000000401	4407730
\$8,368.00	242000000401	4407231
Total Amount: \$66,868.00		

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Chief Financial Officer (“CFO”), City of San Antonio. The CFO may, subject to concurrence by the City Manager or the City Manager’s designee, correct allocation to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon passage by eight (8) affirmative votes; otherwise, it shall be effective ten (10) days after its passage.

PASSED AND APPROVED this 9th day of December 2010.



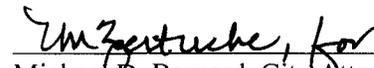
M A Y O R
Julián Castro

ATTEST:

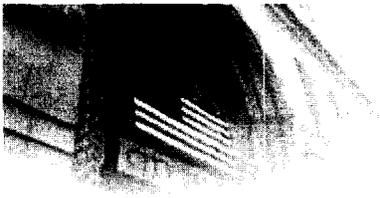


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

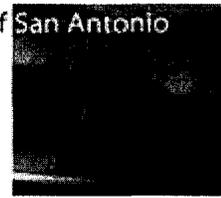


Michael D. Bernard, City Attorney



Request for
COUNCIL
ACTION

City of San Antonio



Agenda Voting Results - 29

Name:	6, 7, 8, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23A, 23B, 25, 27A, 27B, 29, 30, 31, 34, 35, 36, 37, 38A, 38B, 39A, 39B, 39C, 40A, 40B, 41, 42						
Date:	12/09/2010						
Time:	10:12:31 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing a Third Amendment and Renewal to the Agreement for Audio/Visual Services with Audio Visual Services Group, Inc. dba PSAV Event Services Division by extending the term of the agreement for four (4) months. [Pat DiGiovanni, Deputy City Manager; Michael Sawaya, Director, Convention, Sports, and Entertainment Facilities]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6	x					
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				x
Elisa Chan	District 9		x				
John G. Clamp	District 10		x			x	

THIRD AMENDMENT AND RENEWAL TO THE AGREEMENT FOR AUDIO/VISUAL SERVICES

BETWEEN THE CITY OF SAN ANTONIO AND AUDIO VISUAL SERVICES GROUP, INC. D/B/A PSAV EVENT SERVICES DIVISION

This THIRD AMENDMENT AND RENEWAL to the AGREEMENT FOR AUDIO/VISUAL SERVICES (this "THIRD AMENDMENT") is entered into by and between the CITY OF SAN ANTONIO ("City") and AUDIO VISUAL SERVICES GROUP, INC. d/b/a PSAV EVENT SERVICES DIVISION ("PROVIDER") together referred to as "the Parties."

RECITALS

- A. City and PROVIDER are parties to that certain AGREEMENT FOR AUDIO/VISUAL SERVICES authorized by City of San Antonio Ordinance No. 101049, passed and approved on June 16, 2005 (the "AGREEMENT").
- B. City and PROVIDER entered into a FIRST RENEWAL AND AMENDMENT on May 23, 2008, in accordance with City of San Antonio Ordinance 2008-05-08-0379.
- C. City and PROVIDER entered into a SECOND RENEWAL AND AMENDMENT on June 3, 2010, in accordance with City of San Antonio Ordinance 2010-06-24-0626.
- D. Prior to the effectiveness of this THIRD AMENDMENT, the AGREEMENT, in accordance with the terms and conditions of the FIRST RENEWAL AND AMENDMENT and SECOND RENEWAL AND AMENDMENT, terminates at midnight central time on December 31, 2010.
- E. City and PROVIDER desire to extend the AGREEMENT in accordance with the terms and conditions of this THIRD AMENDMENT as described in below.
- F. PROVIDER is not in default of the AGREEMENT and the Director of the Convention, Sports, and Entertainment Facilities Department of the City of San Antonio has determined that it is in the best interest of the City to enter into this THIRD AMENDMENT.
- G. All other provisions of the AGREEMENT shall remain in full force and effect.

RENEWAL

NOW THEREFORE, City and PROVIDER hereby agree and amend as follows:

1. Definitions. All capitalized terms used in this THIRD AMENDMENT without definition herein shall have the meanings assigned to such terms in the AGREEMENT.

2. Amendment. The Parties hereby agree to amend the AGREEMENT, FIRST RENEWAL AND AMENDMENT, and SECOND RENEWAL AND AMENDMENT as follows:

(a) Section 2(b) of the SECOND RENEWAL AND AMENDMENT is hereby deleted in its entirety and replaced with the following:

In accordance with Section 2.2, the term of the AGREEMENT is extended by two years commencing on July 1, 2008, and terminating on June 30, 2010. An additional extension of six (6) months shall be available to CITY beginning on July 1, 2010, and terminating on December 31, 2010, as a transition period for CITY to prepare and issue a Request for Proposals (RFP) for Preferred Audio-Visual and Exclusive Rigging Services. A final extension of four (4) months shall be available to CITY beginning on January 1, 2011, and terminating on April 30, 2011, as an additional period for CITY to finalize and complete the aforementioned RFP process as a result of additional discussions.

(b) Section 6.1 of the AGREEMENT is amended to add the following:

6.1(g) January 1, 2011 – April 30, 2011: a twenty-seven percent (27%) commission on all Gross Billings for the prior month

(c) Article VI of the AGREEMENT is amended to add the following:

6.10 The Minimum Annual Guarantee (MAG) for January 1, 2011, through April 30, 2011, shall be \$36,667 that PROVIDER shall pay CITY should the percentages provided in Section 6.1 of this Agreement not exceed the agreed upon MAG.

3. Effective Date. This THIRD AMENDMENT shall be effective January 1, 2011.

4. No Other Changes. Except as specifically set forth in prior AMENDMENTS and this THIRD AMENDMENT, all of the terms and conditions of the AGREEMENT shall remain the same and are hereby ratified and confirmed. The AGREEMENT shall continue in full force and effect and with the prior AMENDMENTS and this THIRD AMENDMENT shall be read and construed as one instrument.

5. Choice of Law. This THIRD AMENDMENT shall be construed in accordance with and governed by the laws of the State of Texas.

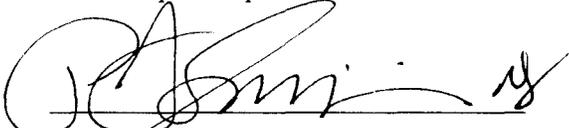
6. Counterparts. This THIRD AMENDMENT may be executed in any number of counterparts, but all such counterparts shall together constitute but one instrument. In making proof of this THIRD AMENDMENT it shall not be necessary to produce or account for more than one counterpart signed by each party hereto by and against which enforcement hereof is sought.

SIGNATURES APPEAR ON NEXT PAGE

IN WITNESS HEREOF, the parties hereto have executed in triplicate originals this THIRD AMENDMENT on the 20th day of December 2010.

CITY OF SAN ANTONIO

a municipal corporation



Sheryl L. Sculley
City Manager

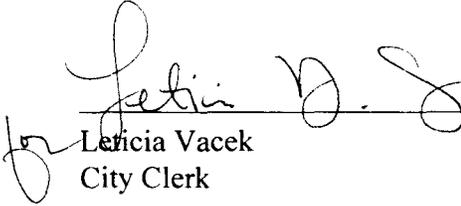
**AUDIO VISUAL SERVICES GROUP
d/b/a PSAV EVENT SERVICES
DIVISION**

a Delaware corporation



Name: Greg W. Dole
Title: SVP Marketing

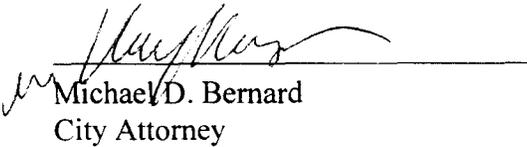
ATTEST:



Leticia Vacek
City Clerk



APPROVED AS TO FORM:



Michael D. Bernard
City Attorney